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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

GUSTAFSON, LLC,

Opposer,

v.

BAYER CORPORATION,

Applicant.

Opposition No. 153,438



01-26-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #74

**MOTION WITH CONSENT FOR EXTENSION OF TESTIMONY PERIODS**

Applicant moves to extend all subsequent testimony periods by thirty (30) days as follows:

Testimony period for Opposer to Close  
(Opening thirty (30) days prior thereto): March 27, 2004

Testimony period for Applicant to Close  
(Opening (30) days prior thereto): May 24, 2003

Rebuttal Testimony Period to Close  
(Opening fifteen (15) days prior thereto): July 12, 2004

Discovery remains closed. The parties are discussing settlement and respectfully submit that this constitutes good cause for the requested extension. Opposer's attorney, Anthony J. Barbieri, consented to this extension in a telephone conversation on January 22, 2004.

Respectfully submitted,

PATTISHALL, McAULIFFE, NEWBURY,  
HILLIARD & GERALDSON

By:

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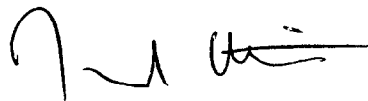
Attorneys for Applicant

CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR 1.10  
"Express Mail" Mailing Label No: EL 933465960US Date of Deposit: January 23, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514.

**CERTIFICATE OF SERVICE**

I, Thad Chaloeontiarana, hereby certify that a copy of the foregoing **MOTION WITH CONSENT FOR EXTENSION OF TESTIMONY PERIODS** was served upon Anthony J. Barbieri, Kessler & Collins, PC, 5950 Sherry Land, Suite 22, Dallas, TX 75225, via first class mail, postage prepaid, on this 23<sup>rd</sup> day of January, 2004.



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